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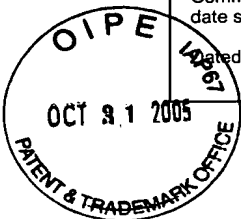
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 28, 2005

Signature: 

(Harvey L. Cohon)

Docket No.:
DAVIES 3.0-001 CIP II
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard J. Davies

Application No.: 10/716,789

Group Art Unit: 3736

Filed: November 19, 2003

Examiner: M. D. Dryden

For: ELECTROPHYSIOLOGICAL APPROACHES
TO ASSESS RESECTION AND TUMOR
ABLATION MARGINS AND RESPONSES
TO DRUG THERAPY

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed September 29, 2005, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-31, drawn to a method and apparatus for determining the location of a tumor.

II. Claims 32-41, drawn to a method for determining the efficacy of a medical treatment.

In response, Applicants hereby elect the invention of Group II, corresponding to claims 32-41. Applicants reserve the

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right to file a divisional application corresponding to the non-elected claims.

The Examiner is thanked for the courtesy of a telephone interview on October 28, 2005 during which it was clarified that consistent with election of the claims of Group II, an election of species would not be required. Therefore, the instant response will be considered complete.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: October 28, 2005

Respectfully submitted,

By 
Harvey L. Cohen

Registration No.: 28,365
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

(908) 654-5000
Attorney for Applicant

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